

Message Text

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PAGE 01 GENEVA 05936 081249Z

53

ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-10 PA-04 RSC-01 AID-20 CIEP-02 SS-20

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03 OMB-01

OIC-04 AF-10 ARA-16 EA-11 NEA-10 DRC-01 /244 W

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R 081200Z NOV 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 2463

INFO USMISSION EC BRUSSELS

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E.O.11652 NA

TAGS ETRD GATT

SUBJ GATT COUNCIL REPORT-ART. XXIV:5(A) AND :6

REF STATE 217934

REVISION OF ITEM 11(A) ON ART. XXIV:5(A) AND XXIV:6 OF COUNCIL
REPORT TO CPS WORKED OUT PRIVATELY BETWEEN U.S. AND EC REPS
IN CONSULTATION WITH FEW OTHER PRINCIPALLY INTERESTED. REVISION
WAS ACCEPTED WITHOUT DISCUSSION BY COUNCIL NOVEMBER 7.
OTHERWISE, FULL COUNCIL REPORT WAS APPROVED WITH INCONSEQUENTIAL
CHANGES AND UPDATINGS.

2. FOLLOWING IS FULL TEXT REVISED ITEM 11(A):
THE WORKING PARTY ON ACCESSIONS TO THE EUROPEAN
COMMUNITIES, WHICH WAS ESTABLISHED BY THE COUNCIL IN MARCH 1972,
HELD ITS EIGHTH AND NINTH MEETINGS IN DECEMBER 1972 AND FEBRUARY
1973. THE DISCUSSIONS FOCUSED ON THE METHODOLOGY FOR THE
EXAMINATION OF THE ACCESSION TREATY UNDER ARTICLE XXIV:5(A)
AND ON CERTAIN ISSUES WITH REGARD TO PREFERENCES MAINTAINED BY
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PAGE 02 GENEVA 05936 081249Z

CERTAIN OF THE ACCEDING COUNTRIES.

THE WORKING PARTY WAS UNABLE TO REACH A CONSENSUS ON A METHODOLOGY FOR THIS EXAMINATION. SOME MEMBERS WERE OF THE OPINION THAT A STATISTICAL COMPILATION INVOLVING AN AGGREGATION OF INFORMATION ON TARIFFS AND NON-TARIFF MEASURES IN THE COMMUNITY WAS NECESSARY IN ORDER TO DETERMINE WHETHER THE DUTIES AND OTHER REGULATIONS OF COMMERCE WERE OR WERE NOT ON THE WHOLE HIGHER OR MORE RESTRICTIVE THAN THE GENERAL INCIDENCE OF THE DUTIES AND REGULATIONS OF COMMERCE APPLICABLE IN THE CONSTITUENT TERRITORIES PRIOR TO ACCESSION. THE EUROPEAN COMMUNITY FOR ITS PART CONSIDERED THAT, UNDER THE TERMS OF THE RELEVANT LEGAL PROVISIONS, THE CONSISTENCY OF THE TREATY OF ACCESSION WITH THE CONDITIONS SET FORTH IN ARTICLE XXIV:5(A) SHOULD BE APPRECIATED IN A GLOBAL MANNER FOR ALL PRODUCTS TAKEN TOGETHER AS WELL AS VIS-A-VIS THE CONTRACTING PARTIES TAKEN TOGETHER. WITH RESPECT TO THE INDUSTRIAL SECTOR, THE COMMUNITY PROPOSED THAT THE INCIDENCE OF CUSTOMS DUTIES BE COMPARED BECAUSE IN THAT SECTOR CUSTOMS DUTIES WERE, ON THE WHOLE, REPRESENTATIVE OF THE PROTECTION AFFORDED AT THE FRONTIER. IN THE AGRICULTURAL SECTOR, ON THE OTHER HAND, IT CONSIDERED THAT COMPARISON OF ONLY THOSE INSTRUMENTS THAT WERE APPLIED AT THE FRONTIER WERE NOT ADEQUATE AND WOULD NOT BE REPRESENTATIVE OF THE REAL SITUATION, TAKING INTO ACCOUNT THE GREAT DIVERSITY OF THE SUPPORT MEASURES APPLICABLE TO AGRICULTURE, NOT ONLY IN THE EEC BUT ALSO IN THE OTHER CONTRACTING PARTIES. IN PARTICULAR, THE COMMUNITY EMPHASIZED THAT THE AD VALOREM INCIDENCE OF VARIABLE LEVIES WAS NOT COMPARABLE TO THAT OF CUSTOMS DUTIES, HAVING REGARD TO THE NATURE AND PARTICULAR FUNCTION OF THAT INSTRUMENT. THE COMMUNITY PROPOSED THAT IN THE AGRICULTURAL SECTOR THE REQUIRED COMPARISON BE EFFECTED BY EXAMINING THE EVOLUTION OF AGRICULTURAL IMPORTS AND THEIR RATE OF GROWTH DURING REFERENCE PERIODS IN THE ORIGINAL SIX-MEMBER COMMUNITY AND IN THE ACCEDING COUNTRIES, BECAUSE SUCH AN EXAMINATION WOULD FURNISH ELEMENTS OF APPRECIATION THAT WOULD BE USEFUL WITHIN THE FRAMEWORK OF ARTICLE XXIV:5(A). THIS PROPOSAL WAS NOT ACCEPTABLE TO A NUMBER OF THE MEMBERS OF THE WORKING PARTY BECAUSE IN THEIR VIEW IT WOULD NOT SHOW WHAT, IF ANY, CHANGE MIGHT OCCUR IN THE GENERAL INCIDENCE OF DUTIES AND OTHER REGULATIONS OF COMMERCE.

A NUMBER OF MEMBERS SUGGESTED THAT AN ASSESSMENT BE LIMITED OFFICIAL USE

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PAGE 03 GENEVA 05936 081249Z

UNDERTAKEN ON THE BASIS OF BOTH METHODOLOGIES BUT THE ENLARGED COMMUNITY WAS NOT PREPARED TO ACCEPT THIS.

THE WORKING PARTY ALSO DISCUSSED CERTAIN QUESTIONS ARISING UNDER THE RE-NEGOTIATION UNDER ARTICLE XXIV:6. IN THIS CONNECTION IT HAD AN INCONCLUSIVE DEBATE ON WHETHER A NUMBER OF THE PREFERENTIAL RATES LISTED IN PART II OF THE U.K. SCHEDULE WERE TO BE CONSIDERED BOUND OR NOT.

THESE RE-NEGOTIATIONS WHICH WERE EFFECTIVELY ENGAGED
IN MARCH 1973 WITH THE AIM OF FINISHING THEM IN JULY
WERE NOT CONCLUDED AT THE END OF OCTOBER.BASSIN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Draft Date: 08 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
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Errors: N/A
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